

inter provided, to find the extent and nature of the power granted.

This, then, is what is granted to the military commander; the power or duty "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace and criminals," and he may do this by the agency of the criminal courts of the State, or, if necessary, he may have resort to military tribunals.

This comprises all the powers given to the military commander. Here is a general clause making it the duty of the military commander to give protection to all persons in their rights of person and property. Considered by itself, and without reference to the context and to other provisions of the act, it is liable, from its generality, to be misinterpreted.

What sort of protection is here meant? What violations of the rights of persons or of property are here intended? In what manner is this protection to be given?

These questions arise at once. It appears that the military commander has understood this grant of power as all-comprehensive, conferring on him the power to remove the executive and judicial officers of the State, and to appoint other officers in their places, to suspend the legislative power of the State, to take under their control, by officers appointed by themselves, the collection and disbursement of the revenues of the State, to prohibit the execution of the laws of the State by the agency of its appointed officers and agents, to change the existing laws in matters affecting purely civil and private rights, to suspend or enjoin the execution of judgments and decrees of the established State courts, to interfere in the ordinary administration of justice in the State courts, by prescribing new qualifications for jurors, and to change, upon the ground of expediency, the jurisdiction of the parties to suits, contracts, giving protection to one party by violating the rights of the other party.

I feel confident that these military officers, in all they have done, have supposed that they had full warrant for their actions. Their education and training have not been of the kind to fit them for the delicate and difficult task of giving construction to such a statute as that now under consideration. They require instruction, and nearly all of them have asked for instruction, to solve their own doubts, and to give them the ground for the performance of their duties.

There can be no doubt as to the rule of construction according to which we must interpret this grant of power. It is a grant of power to military authority, over civil rights and citizens, in times of peace, by which, in certain particulars and for certain purposes, the established principle that the military shall be subordinate to the civil authority, is reversed. The rule of construction to be applied to such a grant of power is this: It is to be construed so as to give effect to the grant, and not so as to destroy it. A statute creating a new jurisdiction ought to be construed strictly.

Guided by this rule, and in the light of other rules of reconstruction familiar to every lawyer, especially of those which teach us that in giving construction to single clauses we must look to the context and to the whole grant, and that no clause is to be controlled by particular clauses, and that such construction is to be put on a special clause as to make it harmonize with the other parts of the statute, so as to avoid repugnancy, I proceed to the construction of this part of the act.

To consider, then, in the first place, the words "to protect all persons in their rights of person and property." It is not a power to create new rights, but only to protect those which exist and are established by the laws under which these people live. It is a power to preserve, not to abrogate; to sustain the laws, not to repeal them; to maintain the rights of the people, not to introduce military rule in its place. In effect, it is a police power, and the protection here intended is protection of persons and property against violence, unlawful force, and criminal invasion. It is given to meet the contingency of the suppression of the rights of person and property, and to the necessity also, and the necessity also, "that peace and good order should be enforced."

This construction is made more apparent when we look at the immediate context, and see in what mode and by what agency this protection is to be secured. This duty or power of protection is to be performed by the suppression of the rights of person and property, and by the punishment, either by the agency of the State courts or by military commissioners, when necessary, of all disturbers of the public peace and criminals; and it is declared that all interference, under color of State authority, with the rights of military authority shall be null and void.

The next succeeding clause provides for a speedy trial of the offender, forbids the infliction of cruel and unusual punishment, and requires that sentences of these military courts which involve the liberty or life of the accused shall have the approval of the commanding general, and as to a sentence of death, the approval of the President, before execution.

All these special provisions have reference to the preservation of order, and protection against violence and crime. They touch no other department or function of the military commander, save only criminal jurisdiction, and the protection of the public peace. The regular State courts, and the clear meaning of this act, is that it is not to be interfered with by the military authority, unless when a necessity for such interference may happen or arise.

I see no authority, nor any shadow of authority, for interference with any other courts or any other jurisdiction, than criminal jurisdiction, and the protection of the public peace. The existing criminal jurisdiction, in all its other departments, legislative, executive, and judicial, is left untouched. There is no provision, even under the plea of necessity, to establish, by military authority, courts or tribunals for the trial of civil cases, or to exercise jurisdiction in all its other departments, legislative, executive, and judicial, is left untouched. There is no provision, even under the plea of necessity, to establish, by military authority, courts or tribunals for the trial of civil cases, or to exercise jurisdiction in all its other departments, legislative, executive, and judicial, is left untouched.

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be disqualified from holding office under the provisions of this act."

This provision not only recognizes all the officers of the provisional governments, but, in case of vacancies, very clearly points out to them the manner in which they are to be filled; and by the people, and not by any other agency or any other power, either State or federal, civil or military. I find it impossible, under the provisions of this act, to comprehend such an officer as this act, elected by the people of the State, and clothed as such with the chief executive power. Nor is he appointed as a military Governor for a State, which has no right to govern under the pressure of an existing necessity, to exercise powers at large. The intention, no doubt, was to appoint him to fill a vacancy occasioned by a military order, and to put him in the place of the removed Governor to execute the functions of the office as provided by law. The law takes no cognizance of such an official, and he is clothed with no authority or color of authority.

It is equally true as to all the other Legislative, Executive and Judicial officers of the State. If the Military Commander can oust one from his office, he can fill all vacancies, and thus usurp all civil jurisdiction in his own hands, or the hands of those who hold the appointments in his name, and thus frustrate the power of removal, and thus frustrate the very right secured to the people by this act. Certainly this act is violative of the people's rights, and gives—with all its severity, the right of electing their own officers is still left with the people, and the military commander has no right to interfere.

I must not be understood as fixing limits to the power of the military commander in case of an insurrection, or in case of such States may be so general and formidable as to require the temporary suspension of all civil rights, and the placing of the military in its place, and the same thing may be true as to local disorder or riot in reference to the people's rights, and the power of removal, and thus frustrate the very right secured to the people by this act. Certainly this act is violative of the people's rights, and gives—with all its severity, the right of electing their own officers is still left with the people, and the military commander has no right to interfere.

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Upon the motion, made by the State of Mississippi before the Supreme Court of the United States, at its late term, the court decided against the President of the United States to enjoin him against executing the various acts of Congress, and the court decided against the President of the United States to enjoin him against executing the various acts of Congress, and the court decided against the President of the United States to enjoin him against executing the various acts of Congress.

In giving construction to this power we must not forget the recent and authoritative exposition of the power of Congress to provide for military tribunals for the trial of citizens in time of rebellion, and to the congressional declaration, in which there was no dissent or difference of opinion among the judges, that such a power is not conferred by the Constitution on the President, but is conferred on Congress.

It appears that this private citizen, thus placed on the bench, is to sit as the sole judge in a criminal case, and that he is to exercise jurisdiction, and that he is to exercise jurisdiction, and that he is to exercise jurisdiction, and that he is to exercise jurisdiction, and that he is to exercise jurisdiction.

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al orders, being number ten of the series, containing no less than seven sections embodying the various changes and modifications which have been made.

The question at once arises in the mind of every lawyer, what power of discretion belongs to the military commander in the exercise of his power to sentence a criminal to any other or different punishment than that provided by the law which he is to execute? The concluding paragraph of this order No. 10, is in these words: "Any law or ordinance heretofore in force in North Carolina or South Carolina, in conflict with the provisions of this general order, are hereby suspended and declared inoperative." Thus the military commander is given the power to suspend laws, but to declare them generally inoperative, and assuming full powers of legislation by the military commander at any time to abolish, modify, control, or supersede the same." Thus far the provisions of the act are clear and well defined.

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accused, fix the measure of punishment, even to the penalty of death, and direct the execution of the sentence, and the execution of the sentence affects the "life or liberty" of the person.

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THURSDAY, JUNE 19, 1862.  
OFFICE OF INTERNAL REVENUE,  
WASHINGTON, D. C.

DEAR SIR:—Your letter of the 13th ultimo in relation to the tax on turpentine, addressed to the Secretary of the Treasury, and by him referred to this office, has been received.

In answer, I have to say, that the law requires that the tax on turpentine shall be paid by the producer or manufacturer, and such tax must be paid to the collector of the district within which the place of manufacture is located.

The honest producer or dealer is not liable for the tax on turpentine which he has paid in his hands if no tax has been paid thereon by the manufacturer or producer, since no lien attaches upon the goods for the tax which the law imposes, and which the manufacturer may have failed to pay.

You will see, therefore, that the purchaser or dealer in turpentine is not liable for the taxes thereon.

The tax on turpentine, as well as on most other manufactures, accrues when the same is sold or consumed or used by the manufacturer thereof, or removed for consumption or use, or for delivery to others than agents of the manufacturer or producer within the United States or territories thereof.

The amount of turpentine on which the tax accrues, as before, within any given month, is required to be returned on or before the 10th day of the succeeding month, and the tax due thereon must be paid on or before the 1st day of the month in which the return is made, or else a penalty is incurred.

You are allowed to ship your manufactures of turpentine to New York or to any other place, without giving any bonds, but you will in such cases be required to return to the assessor of your district the amount so shipped from time to time, and if the duly authorized agents, you will be required to pay the tax thereon until the same has been actually sold by them.

If the parties to whom you consign the turpentine are not your agents, returns must be made monthly to the assessor of the amount shipped, and the tax paid on or before the 10th day of the month in which the return is made, as above indicated.

Very respectfully,  
J. E. MESSIAH,  
Deputy Commissioner.

LATEST NEWS  
BY TELEGRAPH.

IMPORTANT FROM CHARLESTON.

THE EFFECT OF THE ATTORNEY GENERAL'S RECENT OPINION UPON GEN. SICKLES.

HE FORWARDS A REQUEST TO WASHINGTON TO BE RELIEVED FROM THE COMMAND OF THE SECOND DISTRICT.

HE ALSO DEMANDS A COURT OF INQUIRY ON HIS OFFICIAL ACTIONS.

A DUEL—ONE OF THE PARTY SUPPOSED TO BE MORTALLY WOUNDED.

CHARLESTON, June 19—P. M.

The comments upon General Sickles' course, contained in the Attorney General's opinion, published here this morning, created a profound sensation.

General Sickles has to-day forwarded a request to Washington to be relieved from duty as Commander of this Military District, and demands a Court of Inquiry on his official actions.

A duel was fought this afternoon, at Hatches avenue a short distance above the city, between Edward Roe, formerly of Columbia, and Theodore G. Boag, of Charleston. Roe was wounded, supposed mortally, at the first fire. Boag surrendered himself promptly to the civil authorities.

From Washington—Surratt's Trial, &c.

WASHINGTON, June 19—P. M.

Forty-six receipts to-day were issued and forty-six thousand dollars.

Omaha, Superintendent of the Union Pacific Railroad, says that the Indians are still in the West, and there is no protection from the Indians.

The Department of State has information that the Court Martial in the case of Maximilian has been suspended for the present.

Judge Fisher decided that the prosecution need not furnish a list of witnesses for the defence and against the list of retaining witnesses for cross examination at any time during the trial. The facts developed during the argument that the prosecution have secured witnesses, Charles H. Blinn, watchman at the Vermont Central Depot, testified that two men, one of whom left a handkerchief marked J. H. Surratt, slept on the benches on the 17th of April. Carroll Hobart, Conductor on the Vermont Central Road, carried the same men, one of whom looked like the prisoner, towards Canada; the counsel agreed to admit the railroad time tables as evidence. John T. Triplett heard a conversation between Mrs. Surratt and the prisoner; heard Mrs. Surratt say that she had seen the prisoner; and that the President thought he heard the prisoner, when there was a Union victory, curse the Union army. The defence objected, but the prosecution admitted. Further evidence decided to confirm the impression of Surratt's presence here on the night of the assassination was heard, but nothing striking developed. Adjourned.

The Cabinet session lasted from ten till half past two o'clock, and was a very long one. Naval Secretary and a prolonged interview.

Rear Admiral Stephen C. Rowan, has been assigned to the command of the Asiatic squadron.

Markets.

New York, June 19—G. P. M.  
Cotton unchanged—sales of 2,106 bales. Flour quiet; State \$7.00 to \$8.00; Southern \$9.00 to \$10.00. Corn quiet; mixed Western \$1.00 to \$1.10; Southern white \$1.10. Pork firm at \$21.70. Lard dull. Whiskey quiet. Groceries quiet and steady. Naval Stores quiet; Turpentine 60 to 65; Rosin \$3.50 to \$4.00. Freight less drifter. Cotton yarn \$3.00 to \$3.50. Stocks active. Gold 133. Five-twentieths, of '62, 60 to 65. Compans, registered, 107 to 110. Virginia sixes 67 to 70; Tennessee sixes, new issue, 69.

Baltimore, June 19—G. P. M.

Cotton quiet at 26 to 26 1/2 cents. Rio Coffee dull and unchanged, stock 44,000 bags. Flour dull and drooping, only a retail demand. Corn dull and steady, at 80 to 82 cents. Wheat 10 to 10 1/2 cents. Sugar quiet and unchanged, imports 4,000 hogsheads during the past week. Provisions—stock light, market maintained but inactive. Lard and Mess Pork dull and heavy. Whiskey \$3.35.

Augusta, June 19—G. P. M.

Cotton quiet—sales of 83 bales; strict Middling 24 1/2 to 25 cents.

Savannah, June 19—G. P. M.

Cotton steady, and is in fair demand. Sales of 310 bales. Stock offerings very light. Receipts 46 bales.

Tunnel Under the Atlantic.

A proposition is on foot to start the gigantic undertaking of running a tunnel under the Atlantic ocean, in order to connect the old and new world together by means of a submarine railway. The most eminent engineers, both in America and Europe, have been consulted, and they have drawn up a report which is perfectly feasible, and only require time and money to carry out, while the capital, although stupendous, will be forthcoming. So far as calculated approximately, it will require five hundred millions of English pounds, or two billion five hundred million dollars. Plenty of capitalists are ready to engage in this marvelous undertaking, and as soon as the plans are arranged the money will be advanced. The proposed plans are of engineering science. To relate them in detail would be simply impossible at present, but a few of the leading points may be glanced at in order to give the reader an insight into the wonderful results already arrived at.—St. Louis Times.

The New Orleans policemen recently discharged by Mayor Heath have taken steps to obtain redress through the law.

The majority in the New York Workingmen's Convention do not regard the present as favorable time to enter on a struggle with employers.

Ex-Congressman Denning is to deliver an oration at Albany on the Fourth of July.

It is computed that 3,000 kegs of lager beer are drank in New Orleans every day.

Wilmington Wholesale Prices Current.

BEANS, 52 1/2 to 53 1/2; Lima, 50 to 51; From store 1 1/2 to 2 1/2; Mocha, 50 to 51; From store 1 1/2 to 2 1/2; Sugar, 50 to 51; From store 1 1/2 to 2 1/2; Coffee, 50 to 51; From store 1 1/2 to 2 1/2; Tea, 50 to 51; From store 1 1/2 to 2 1/2; Rice, 50 to 51; From store 1 1/2 to 2 1/2; Flour, 50 to 51; From store 1 1/2 to 2 1/2; Oil, 50 to 51; From store 1 1/2 to 2 1/2; Butter, 50 to 51; From store 1 1/2 to 2 1/2; Eggs, 50 to 51; From store 1 1/2 to 2 1/2; Hides, 50 to 51; From store 1 1/2 to 2 1/2; Tallow, 50 to 51; From store 1 1/2 to 2 1/2; Soap, 50 to 51; From store 1 1/2 to 2 1/2; Candles, 50 to 51; From store 1 1/2 to 2 1/2; Paper, 50 to 51; From store 1 1/2 to 2 1/2; Cloth, 50 to 51; From store 1 1/2 to 2 1/2; Linen, 50 to 51; From store 1 1/2 to 2 1/2; Wool, 50 to 51; From store 1 1/2 to 2 1/2; Cotton, 50 to 51; From store 1 1/2 to 2 1/2; Silk, 50 to 51; From store 1 1/2 to 2 1/2; Lace, 50 to 51; From store 1 1/2 to 2 1/2; Jewelry, 50 to 51; From store 1 1/2 to 2 1/2; Toys, 50 to 51; From store 1 1/2 to 2 1/2; Books, 50 to 51; From store 1 1/2 to 2 1/2; Stationery, 50 to 51; From store 1 1/2 to 2 1/2; Printing, 50 to 51; From store 1 1/2 to 2 1/2; Music, 50 to 51; From store 1 1/2 to 2 1/2; Art, 50 to 51; From store 1 1/2 to 2 1/2; Science, 50 to 51; From store 1 1/2 to 2 1/2; Literature, 50 to 51; From store 1 1/2 to 2 1/2; History, 50 to 51; From store 1 1/2 to 2 1/2; Geography, 50 to 51; From store 1 1/2 to 2 1/2; Natural History, 50 to 51; From store 1 1/2 to 2 1/2; Medicine, 50 to 51; From store 1 1/2 to 2 1/2; Law, 50 to 51; From store 1 1/2 to 2 1/2; Theology, 50 to 51; From store 1 1/2 to 2 1/2; Philosophy, 50 to 51; From store 1 1/2 to 2 1/2; Mathematics, 50 to 51; From store 1 1/2 to 2 1/2; Astronomy, 50 to 51; From store 1 1/2 to 2 1/2; Meteorology, 50 to 51; From store 1 1/2 to 2 1/2; Zoology, 50 to 51; From store 1 1/2 to 2 1/2; Botany, 50 to 51; From store 1 1/2 to 2 1/2; Geology, 50 to 51; From store 1 1/2 to 2 1/2; Mineralogy, 50 to 51; From store 1 1/2 to 2 1/2; Chemistry, 50 to 51; From store 1 1/2 to 2 1/2; Physics, 50 to 51; From store 1 1/2 to 2 1/2; Cosmology, 50 to 51; From store 1 1/2 to 2 1/2; Metaphysics, 50 to 51; From store 1 1/2 to 2 1/2; Logic, 50 to 51; From store 1 1/2 to 2 1/2; Rhetoric, 50 to 51; From store 1 1/2 to 2 1/2; Poetics, 50 to 51; From store 1 1/2 to 2 1/2; Dramatics, 50 to 51; From store 1 1/2 to 2 1/2; Music, 50 to 51; From store 1 1/2 to 2 1/2; Art, 50 to 51; From store 1 1/2 to 2 1/2; Science, 50 to 51; From store 1 1/2 to 2 1/2; Literature, 50 to 51; From store 1 1/2 to 2 1/2; History, 50 to 51;